

**TOWN OF HAMILTON
BOARD OF SELECTMEN
AUGUST 20, 2012**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, August 20, 2012 with David Neill, Marc Johnson, Jennifer Scuteri, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo and DPW Director John Tomasz also present.

Call to order

Chair David Neill called the meeting to order.

Public Comment

Neill agreed to recognize Edwin Howard when discussion occurs on abandonment of Patton well later on during the meeting.

Town Manager's report

Town Manager Michael Lombardo described how Northeast Mosquito Control had discovered adult mosquitoes carrying Eastern Equine Encephalitis in Hamilton so fog spraying from a truck would be done on Tuesday, August 21 from 8 p.m. until 2 a.m. A Connect CTY message was transmitted to residents earlier in the day addressing plan for ground-based spraying for adult mosquitoes. Meeting attendees notified Lombardo that his message said it was coming from Wenham so he offered to contact company that manages Connect CTY system to correct this moving forward.

Lombardo mentioned that residents should take the necessary precautions to reduce the number of mosquito bites they are exposed to and that information is on the Town's website about spraying and that there are links to other sources of information on the subject. He noted that he is investigating whether or not a horse that had to be put down in Hamilton had EEE.

Discussion ensued about how aerial spraying is done dependent upon test results and a certain threshold that triggers that practice. Some neighboring communities where mosquitoes carrying EEE were discovered are using aerial spraying.

Chairman/Selectmen reports

Neill mentioned that he had attended the funeral of the wife of Eastern Essex Veteran's Services Terry Hart and expressed his condolences from the Town.

Jeff Hubbard acknowledged the work the Town had done to cut down weeds on Bay Road and noted that he would like to see Asbury Street as the next location for this work.

Lombardo said he and DPW Director John Tomasz were trying to determine if there was a two-hour maximum parking limit at parking lot on the corner of Willow Street and Railroad Avenue. Also, that cleaning up of parking lot would occur tomorrow and that striping for parking on Railroad Avenue would be done. Discussion also included maintenance of traffic islands in Town and how that has historically been done through the effort of neighbors.

Discussion ensued about need for Board to do Town manager's job performance evaluation. Lombardo will supply Board with copy of the position's job description for use during evaluation process as requested by Neill. Last year Board used a metric of components from other communities' evaluation documents to conduct the Town manager's review. Former Hamilton Selectman David Carey is compiling input received from the current Board members to use for Lombardo's evaluation.

Consent Agenda

Neill read through consent agenda items that include: accept August 13, 2012 minutes, appoint Dave Carey to Hamilton Development Corporation, appoint Bill Gisness to Hamilton Development Corporation, and appoint Joe Orlando (alternate) to full member of Planning Board.

Neill entertained a motion to approve the Consent Agenda as read into the record, Hubbard so moved. Marc Johnson seconded motion. VOTE: Unanimous.

Hamilton Affordable Housing Trust – Housing Production Plan (K. Cheetham, P. Britton, F. Mills)

Fred Mills spoke on behalf of the Hamilton Affordable Housing Trust stating that the Town's current Housing Production Plan expires in mid-December and should be updated by that deadline or the Town has to at least demonstrate by

that date that it is in the process of updating plan. Otherwise, Hamilton would have to develop an entirely new Housing Production Plan that would be more costly than updating. Community Preservation Funds have been allocated for this purpose.

Discussion ensued with Johnson noting that MAPC consultant had proposed the housing trust figure out the right scope and he suggested any new clever ideas regarding affordable housing be identified and updated in plan where there would be a shift from present plan due to demographic changes in Town. He noted that opposition to Chapter 40B housing had not changed in Hamilton.

Discussion continued with Neill mentioning the importance of somehow getting the Legislature to take another look at what housing is considered affordable and Scuteri questioned \$20,000 for consultant cost to update existing production plan. Trust member Kristine Cheetham said the suggested scope of plan would address realistic strategies that are Hamilton specific. Mills noted that housing trust does not have the expertise to update the plan; a consultant is needed to complete work.

Also mentioned was that plan update would require time for consultant to verify a lot of information, and that trust has \$125,000 in CPA funds allocated for affordable housing and that some could be applied towards buying restricted deeds. Lombardo said the work on the plan needs to move forward quickly and the trust has the funds in hand.

Intermunicipal Agreements for Emergency Water Supply to Neighboring Communities (J. Tomasz)

DPW Director John Tomasz explained to Board that although there are water main connections to provide water to neighboring communities, Hamilton does not have the legal authority to exchange the water with Essex, Ipswich and Wenham through a signed intermunicipal agreement. The Town did not provide water to Ipswich during July 4th. He suggested that the legal ability to exchange water amongst municipalities should be added to the Town's bylaw and there should be an intermunicipal agreement. Discussion ensued about how Selectmen as the water board would need to sign the agreement that Lombardo is working on with the help of Town Counsel Donna Brewer.

Tomasz said that meters are not used in the exchange of Hamilton's water with other communities but that these municipalities are billed for the amount of

water used above and beyond what was used before and after the event. Scuteri raised the issue of how billing for these communities is done at the same rate as Hamilton's residents using water supply service and there is 30 days for bill to be paid. She suggested since this is a business transaction it should be on a different payment schedule and there should be a defined process for collecting payment. Lombardo said that would be added as revision to the intermunicipal agreement that will be brought to the Selectmen for a vote.

Initial discussion regarding abandonment of the Patton Well (J. Tomasz)

Discussion ensued about consideration of abandoning Patton Well in order to develop playing fields on Patton property on Asbury Street. If the well is kept online, no activity can occur within 400 feet of the well. Horses and cars would not be allowed to travel on access road on property. The only permitted use would be passive use such as walking, running or Frisbee games.

It costs the Town approximately \$2,000 a year to keep the well ready to use. The well has not been used since 2004 and its water is full of iron, manganese and sodium and cannot be treated by the water treatment plant. Tomasz and Lombardo explained if a catastrophic event occurred requiring water in Town, Hamilton would seek water from neighboring communities before using water from the well.

Hubbard questioned impact on Town's water overlay district and volume of water Hamilton can use relative to its water registration and water withdrawal permit from the state. Lombardo said that abandoning the well would not impact the Town's registered water volume since the capacity of the other wells in Town pump enough volume and more, and with the trend toward development in Hamilton there should be enough water for decades. He added that since the Patton Well is so close to the Ipswich River ceasing use would be favorable towards the Ipswich River draw. Tomasz noted that the state would have the final say about whether or not Hamilton can abandon the Patton Well.

Discussion ensued about cost to connect Patton Well to treatment plant with Tomasz estimating \$500,000 to \$1 million and he said excess capacity could be purchased from Manchester in the North Coastal basin rather than Ipswich River basin if there was a connection. Also addressed was if Department of Environmental Protection would allow Patton Well to come back online if it were closed and could it be used for irrigation and that there is already an existing well on Patton property used for irrigation. In response to Neill, Tomasz said the

Town officials are already investigating other sources of water supply for Hamilton. He added that a couple of hundred residents have private wells in Town.

In response to Claudia Woods, Lombardo said if the Patton Well was abandoned the Town has been told the registered volume would not change (well could generate 290,000 gallons daily), the capacity to pump a certain percentage of water at a time would change. Tomasz explained that Town has plenty of capacity left to withdraw water.

Ed Howard said it was an expensive process to abandon and seal a gravel-packed well. He added that DEP would be concerned about contamination of well and recharge of Groundwater Protection Overlay District. He noted that water board had power to close a Town well and he referred to \$250,000 Town has paid in legal fees to maintain its water registration. Also, that if Town was going to change GPOD it would have to go to Town Meeting. Discussion ensued about if an engineer would have to be hired to seal well and if a septic system could be located anywhere near the wellhead.

Lombardo suggested that GPOD and Zone 2 was defined by the state and this is a separate issue from abandoning the well and would be complied with when development occurs to build playing fields with oversight from Planning Board and Zoning Board of Appeals. He said information relating to all of these issues could be provided at an upcoming meeting.

Resident Nancy Baker asked if proposed closure of Patton Well was part of an integrated water supply plan for the Town that included action on the Bridge Street and School Street wells. She also questioned impact on permitted and registered water volumes and how safe yield was determined.

Lombardo said Town's Special Counsel Ray Miyares, who focuses on water supply was unable to attend the meeting, along with Hydrologist Jesse Schwalbaum are working towards defining lack of science in safe yield equation for Hamilton. He noted that Miyares would be scheduled to attend an upcoming meeting and that DEP had extended the Town's water withdrawal permit.

Tomasz explained that the Bridge Street well had been disconnected years ago from the Town's water supply due to poor quality water and that the School Street well was used 185 days of the year. He added that the Town's water registration allows for 3.02 million gallons of water to be pumped daily although

Hamilton's maximum daily allowed withdrawal is 1.30 MGD and the Town typically uses 750,000 gallons per day so it is not using near its registered amount. Restricted water use during the summer is not based on capacity but on DEP's safe yield requirements based on flow in the Ipswich River. Lombardo mentioned that even with restricted flows this does not impact the fish population in the river and that Hamilton discharges 90% of its water back into the ground.

Lombardo agreed to share notes and summarize questions raised in initial discussion about potential abandonment of the Patton Well. Dialog on subject will continue and community will be provided accurate information about the proposal. In response to Neill, he said he would investigate if information was available from other communities that have abandoned wells relative to good or bad results. He referenced the pent up demand in Town for field use that has been identified in the Recreation Master Plan.

Warrant Article – Consideration of a warrant article to designate Meals Tax Funds to the Hamilton Development Corporation

Lombardo explained that Meals Tax revenue currently accrues to free cash and that Finance Director Deborah Nippes-Mena was researching whether or not these funds could be earmarked for use by the Hamilton Development Corporation. Discussion ensued about how the HDC is a likely candidate for this funding source and that Town Meeting determines where Meals Tax money would be spent. Neill made the comparison of the Clark property money that Hamilton uses in its conservation account.

Also mentioned was the revenue from the sale of Town-owned land a few years ago for the Community Package Store site that was made available to the Economic Development Committee to study what could be done to develop Hamilton, especially in the downtown business district. Lombardo agreed to compile information for Board discussion.

Other business

Discussion ensued about scheduling a Selectmen's retreat that could address beautification bylaw that would likely be ready for ATM rather than STM this fall that would address the entire Town (i.e., nuisance situations in particular).

Also mentioned was whether or not an All Boards Meeting would be useful to define focus and issues for Town as well as kick off what Town officials plan to get done for the year.

The next Board of Selectmen's meeting will be held on August 27, 2012 where Board will address three-year projected budget guidelines with Finance Committee.

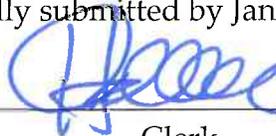
Discussion ensued about GPOD and how Selectmen are not the Board to address this issue rather the Planning Board and Zoning Board of Appeals oversee it and the Building Inspector enforces it. Hubbard raised issue of angst with land use boards relative to GPOD. Neill suggested bylaw governing it could be revisited since protecting water supply could be restricting development in Town.

Johnson said that the only aspect of GPOD that is contentious is the belief among some residents that the GPOD has primacy over other bylaws. He said that our recent Town Council memorandum described how state case law indicates that town bylaws and GPOD regulations should be interpreted in the most harmonious way possible and that one does not trump the other. He added that Chapter 40B developments allow a community to go beyond GPOD and are only restricted by wetlands compliance. Lombardo said Town counsel's guidance based on case law is there is flexibility with standards but the Town still has to protect the water supply depending upon a project and what is proposed. Hubbard thought there is concern in Town about the GPOD and need for clarity. Johnson stated that the Board of Selectmen is the wrong group to fight this issue.

Neill entertained a motion for the Board to adjourn at 8:53 p.m. Scuteri so moved. Hubbard seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____



Clerk

